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OFFICE OF PETITIONS

In re Application of :
Ashizawa, et al. :
Application No. 09/124,925 : **DECISION ON PETITION**
Filed: July 29, 1998 :
Attorney Docket No. ASHI3001/FJD :

This is a decision on the "PETITION UNDER 37 CFR 1.183", filed February 5, 2004, requesting waiver of the two month time period set forth in 37 CFR 1.181(f) for filing a petition pursuant to that section.

The petition under 37 CFR 1.183 is **DISMISSED** for involving a moot issue.

37 CFR 1.181(f) states that "[a]ny petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested **may** be dismissed as untimely, except as otherwise provided."¹

It is the current practice of the Office to accept untimely petitions to withdraw the holding of abandonment, without the need of a petition under 37 CFR 1.181 or a terminal disclaimer, in utility and plant applications filed between June 8, 1995 and May 29, 2000.

¹ Emphasis added.

The change of correspondence address submitted with the instant petition has been entered.

The application file is being forwarded to Group Art Unit 1745 for consideration of the petition under 37 CFR 1.181 to withdraw the holding of abandonment.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

A handwritten signature in cursive script that reads "Patricia Faison Ball" with the word "for" written in smaller letters below "Faison".

Charles Pearson
Director
Office of Petitions